IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 26907 of 2007(C)

PETITIONER:

K.K.GOVINDA PILLAI,
KIZHAKKEDATHU HOUSE, KUMMANAM P.O.,
KOTTAYAM.
(RETIRED SENIOR SUPERINTENDENT, KERALA STATE ELECTRICITY BOARD, TRIVANDRUM).

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS:
---

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VAIDYUTHI BHAVAN, PATTOM, TRIVANDRUM.

2. THE CHIEF ENGINEER, (ELE.GENERAL),
K.S.E.BOARD, TRIVANDRUM.

3. THE CHAIRMAN,
K.S.E. BOARD, TRIVANDRUM.

BY ADV. SRI. K.S. ANIL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI , J

==========

W.P.(C) NO. 26907 OF 2007

==========

Dated this the 11th day of September, 2007.

JUDGMENT

The petitioner challenges Ext.P7 order passed by the Chairman of the Electricity Board, rejecting the claim made by the petitioner under Ext.P5 for promotion to higher grade with consequential benefits. The petitioner retired as a senior superintendent from the Kerala State Electricity Board on 28.02.1982. It was in the year 2003, that is almost 21 years after the retirement, that he first filed a representation before Chief Engineer (Electrical) on 24.10.2003 contending that certain juniors in the cadre of L.D. Clerk had been promoted ahead of him on the premise that he did not possess the test qualification for promotion to the post of U.D. Clerk. This resulted in Ext.P4 and aggrieved by the same the petitioner preferred Ext.P5 before the Chairman. The same was directed to be considered by this Court in Ext.P6 judgment. After hearing the petitioner, the Chairman has passed a detailed order, Ext.P7 on 04.05.2006. The petitioner apparently filed a yet another representation before the Chairman as per Ext.P8 dated 16.07.2007.

2. I have gone through Ext.P7 order in detail. It deals with all the contentions raised by the petitioner. It also takes note of the fact

that the petitioner had retired as early as on 28.02.1982 and he is claiming seniority and promotion after 21 years from his date of retirement. I am in complete agreement with the view expressed in Ext.P7 that the claim is time barred and stale and obviously the petitioner should not be permitted to agitate such a claim. It can be seen from Ext.P7 that notwithstanding the same, the Chairman of the Board considered the petitioner's claim on merits. The petitioner had opted for promotion in the channel of L.D.Clerk, U.D. Clerk, Junior Superintendent, Senior Superintendent and it is in these circumstances that the respondent correctly came to the conclusion that the claim for restoration of seniority cannot be entertained. I do not find any grounds to interfere with Ext.P7 order and the writ petition is accordingly dismissed.

V. GIRI, JUDGE.

rv